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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,957	12/15/2003	Toshitada Sakai	H-5117	3406

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EXAMINER

GOFF II, JOHN L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/735,957

Applicant(s)

SAKAI, TOSHITADA

Examiner

John L. Goff

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (Specification Figure 6 and pages 1-3) in view of any one of Cozzoli '342 (U.S. Patent 2,379,342), Cozzoli '688 (U.S. Patent 2,749,688), or Bradford et al. (U.S. Patent 4,671,833).

The admitted prior art discloses a method for sealing a tube comprising providing a plastic, i.e. resinous, tube having an opening, inserting a nozzle into the opening, applying hot air through a hole/holes, i.e. localized heating source, in the nozzle to the inner peripheral portion of the opening to heat the inner peripheral portion of the tube, removing the nozzle from the opening, and clamping the opening to seal the container (Figure 6 and Page 2, lines 10-25 and Page 3, lines 1-22). The admitted prior art does not specifically disclose rotating the tube during heating. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include rotating the tube during heating as it was well known in the art of applying heat to a tube from a localized heat source to rotate the tube while applying heat to ensure even/uniform heating as shown for example by any one of Cozzoli '342, Cozzoli '688, or Bradford et al.

Art Unit: 1733

Cozzoli '342, Cozzoli '688, and Bradford et al. are exemplary of applying heat to a tube from a localized source wherein the tube is rotated during heating to ensure even/uniform heating of the tube (Page 2, column 1, lines 7-11 and Page 2, column 2, lines 4-7 and 63-67 of Cozzoli '342 and Column 10, lines 6-8 of Cozzoli '688 and Column 9, lines 19-22 of Bradford et al.).

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorper et al. (U.S. Patent 3,140,571) in view of any one of Cozzoli '342, Cozzoli '688, or Bradford et al.

Dorper et al. disclose a method for sealing a tube comprising providing a plastic, i.e. resinous, tube having an opening, inserting a nozzle into the opening, applying hot air through a hole/holes, i.e. localized heating source, in the nozzle to the inner peripheral portion of the opening to heat the inner peripheral portion of the tube, removing the nozzle from the opening, and clamping the opening to seal the container (Figure 1 and Column 1, lines 58-69 and Column 2, lines 1-6). Dorper et al. do not specifically disclose rotating the tube during heating. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dorper et al. to include rotating the tube during heating as it was well known in the art of applying heat to a tube from a localized heat source to rotate the tube while applying heat to ensure even/uniform heating as shown for example by any one of Cozzoli '342, Cozzoli '688, or Bradford et al.

Cozzoli '342, Cozzoli '688, and Bradford et al. are described above in full detail.

Art Unit: 1733


***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jahrig et al. (U.S. Patent 4,957,581) and Linner (U.S. Patent 4,511,426) disclose tube sealing apparatus similar to the admitted prior art and Dorper et al.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John L. Goff



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